

Exhibit 2

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 1:16CR265

Akron, Ohio

Friday, March 9, 2018

ERICK JAMAL HENDRICKS,

Defendant.

TRANSCRIPT OF TRIAL
VOLUME 6, PAGES 822 THROUGH 1047
BEFORE THE HONORABLE JOHN R. ADAMS
UNITED STATES DISTRICT JUDGE

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1 A. And I knew that by saying that, introducing the spy
2 allegation or suspicion, I figured that that would probably
3 elicit a reaction and it would probably get the person, the
4 user of accepted, it would probably get him talking.

05:53:34 5 Q. And what did he tell you about his communications with
6 that person?

7 A. He said he talked with him for six hours yesterday, on
8 the previous day.

9 Q. And if we can move forward to page 49, please.

05:53:48 10 And is this further communications about Elton
11 Simpson?

12 A. Yes. The user of accepted said that Simpson told him
13 his whole life story. And he spent -- and the user of
14 accepted spent the whole day talking to Elton Simpson.

05:54:11 15 Q. What were the dates of those communications with Elton
16 Simpson?

17 A. Beginning on April 23, and then it ended on the very
18 early morning of April 25, 2015.

19 Q. Now, did you personally have any further communication
05:54:23 20 was him?

21 A. No, not after April 25, 2015.

22 Q. I now want to go back to page 42 of Exhibit 14.

23 THE COURT: Counsel, why don't we take a break.

24 I think it's been a long period of time now. We've gone
05:54:42 25 about an hour and -- well, not quite an hour and a half.

1 Q. And the reference to a good solid protest, how did
2 that fit with the other things that you had been told by
3 accepted?

4 A. It did not. We had never discussed protests or First
06:45:32 5 Amendment speech or politics. The mention of protest was
6 inconsistent with anything else we talked about up to this
7 point. You think of a regular protest like a rally and a
8 verbal protest.

9 Q. Move to page 185.

06:45:48 10 So what was your response to that?

11 A. So I was confused by what he meant by a protest. And
12 I suspected that he had an alternate meaning. And so I
13 challenged him on this. And I said, "Look, if we are
14 talking about doing any normal conventional protest, that
06:46:08 15 means we're going back on the grid."

16 And that's contrary to what he told me to do. And
17 then I said, "Oh, freedom of speech don't mean nothing to
18 them," meaning, I was saying there's no value in doing a
19 verbal freedom of speech protest.

06:46:21 20 Q. What was his response?

21 A. So he clarified -- because I was kind of questioning
22 saying like I don't think I understand what you mean.

23 And so he came back and said that I should do a unique
24 one-man protest, which still seemed odd to me because who
06:46:36 25 does -- it's not conventional when you think of rallies and

1 protests for just one man to do a unique protest.

2 Q. Move to page 186, please.

3 And what else happened in the conversation here?

4 A. Well, when he said -- when he introduced this concept
06:46:58 5 of doing a unique one-man protest, I responded by saying, "I
6 like it," and awe, "I get it now. I get what you're trying
7 to say. He said our brothers and sisters are going to laugh
8 at us." And then, "Ha, ha, ha, sounds like a road trip,
9 baby." And he responded with, "Indeed."

06:47:16 10 So I said basically make the news, meaning whatever
11 this intended unique one-man protest is, is probably going
12 to make the news.

13 And I was trying to get him an opportunity to clarify
14 by when he meant, because if he meant some peaceful
06:47:33 15 conventional protest, then this is his opportunity to
16 clarify to me what he intended.

17 Q. Did he state where he was at that time?

18 A. Baltimore, yes.

19 Q. Can we move to page 187.

06:47:51 20 And how did you respond then?

21 A. I just told him I had some research to do based on the
22 tasking that he gave me or based on his expressed interest
23 in someone doing something in Garland, Texas. I told him I
24 had some research to do.

06:48:06 25 Q. What did you think he meant by all of this at that

1 Q. Go to page 196, please.

2 What did he tell you he was going to do then?

3 A. So then he told me, "I have to take my battery out for
4 awhile," like remove the battery from his cell phone, which
06:52:46 5 was -- he was telling me that he was going to be unavailable
6 online because his phone would not be functioning.

7 Q. Move to page 197, please.

8 And 198.

9 So on May 3, 2015, did you travel to Garland, Texas?

06:53:06 10 A. Yes.

11 Q. Prior to traveling, did you get -- do any prior
12 coordination with your superiors?

13 A. Yes. So with my chain of command and the office I was
14 working for, which is a separate field office, they approved
06:53:25 15 up through their highest ranking agent so my chain of
16 command, the other office I was working for and then the
17 Dallas field office also has a chain of command and they all
18 the way up the highest ranking agent in the Dallas field
19 office also was aware of my travel to Garland, Texas and
06:53:45 20 approved of it.

21 Q. What was your purpose in going to Garland?

22 A. So my purpose for going there, my operational goal was
23 to be able to demonstrate to the user of accepted that I was
24 following his guidance, that he gave me a tasking and I was
06:53:59 25 going to follow through with it.

1 So my goal was to go there, observe the event, take
2 pictures, and so when I later met him face-to-face, I could
3 pull up my phone and say, "Look it. I was there. Here are
4 the pictures. Here is the time I took them. Here is the
06:54:13 5 date I took many them. I can tell you about the weather
6 that day. I can tell you all the atmospheric that a person
7 who went there would see," and communicate that back to him
8 and my plan was to tell him that I went to execute this
9 solid one-man protest. And I was unable to, and so I would
06:54:32 10 have to, you know, not complete that task, but I got close.

11 I did the best I could. And I was -- I had planned to
12 use a security reason to say that it was not suitable for me
13 to execute the task.

14 Q. Were you traveling in your undercover role?

06:54:47 15 A. Yes.

16 Q. So what does that mean if you're travelling in your
17 undercover role?

18 A. So I had nothing that would identify me with the FBI,
19 so I had no badge or credentials or weapon or anything that
06:54:58 20 a regular agent would have. I did not.

21 Q. And when you got down to Texas, did you link up with
22 somebody on the scene, law enforcement?

23 A. Yes. So I was working for another field office, but
24 they put me in contact with a local FBI agent who was a task
06:55:17 25 force officer working for the FBI office in Dallas. And he

1 also worked for the Garland Police Department as well.

2 So he was my immediate point of contact.

3 And then by Email I was put in contact with the FBI
4 agent who was also in charge at the event.

06:55:36 5 Q. Did you make any contact with juba or Elton Simpson?

6 A. I did not.

7 Q. Did you travel with him?

8 A. No.

9 Q. Did you have -- at that time did you have any
06:55:50 10 knowledge of where he physically was?

11 A. I did not have definitive knowledge of where he was at
12 that time.

13 Q. So did you continue to communicate with accepted on
14 Wickr?

06:56:03 15 A. Yes.

16 Q. And if we look at page 198 of Exhibit 14, what are you
17 communicating?

18 A. So I announced that I arrived -- well, that I was
19 traveling to Garland, Texas and that I got there. You know,
06:56:20 20 he wanted to know -- he asked a couple times about where I
21 physically was at.

22 Q. If we can go to page 199, please.

23 And what did he indicate regarding the Arizona
24 brother?

06:56:32 25 A. I said, "By the way, I couldn't find the Arizona

1 brother."

2 Q. If we could go to page 200, please.

3 And so did you indicate when you arrived at the event?

4 A. Yes. The local time was 5:19 p.m. on May 3.

06:56:48 5 Q. So during this actual event, where were you physically
6 located?

7 A. I was in a parking lot across the street looking at
8 the event center. I was placed there -- when I first got to
9 Dallas, I linked up with this Garland Police Department
06:57:04 10 officer who also worked full-time for the FBI.

11 So he drove me around. He showed me the lay of the
12 land. He explained to me what was happening. I explained
13 to him what my purpose was for being there and what I
14 intended to do. And he took me to a parking lot, a spot
06:57:20 15 where he positioned me and said this was a suitable place
16 for me to basically just sit there and operate on my phone.

17 Q. Did you continue to communicate with accepted during
18 the event?

19 A. Yes.

06:57:31 20 Q. Please go to the next page.

21 What kinds of things did you discuss?

22 A. Well, he wanted to know what it was like there. And I
23 assume that he wanted to know about the security posture.

24 And so I provide him with some general observations that
06:57:51 25 were available to the public, anyone who was driving by the

1 event or watching it in the news, perhaps, could make the
2 same observations.

3 And so I was giving him legitimate observations that
4 anyone in the public could make, so that it was believable
06:58:07 5 that I was there.

6 Q. If we could go to the next page, please.

7 What did he tell you to do?

8 A. He told me to buy a ticket and get pictures, or he
9 said I could maintain distance and just observe.

06:58:22 10 And if I were to "See that pig Pam, to make my voice
11 heard against her." And, of course, "voice" is in quotation
12 marks. And when he said, "That pig Pam," he was referring
13 to Pamela Geller.

14 Q. When did you believe "voice" in quotation marks meant?

06:58:39 15 A. Well, I was pretty sure it didn't mean literally to
16 make my voice heard. And so he had some other intention
17 about what he wanted me to do and it was not verbal.

18 And so I inferred that he wanted me to attack her, you
19 know, use violence to target Pamela Geller.

06:58:59 20 Q. And go to the next page, please.

21 And could we increase the size of this?

22 Did he start to ask you questions?

23 A. He did. He wanted to know about the security posture
24 there, particularly how many police officers, security
06:59:20 25 officers were there, how big it was, how many people were

1 corner.

2 So I drove to the left, down that main road at the
3 top. So from right to left.

4 Then I turn around and I intended to drive back. And
07:11:53 5 as I was doing my final drive-by of the event center, I was
6 going to take pictures of the event enter and in the process
7 of taking the pictures, I would probably catch a glimpse of
8 the police checkpoints, and then I intended in the future to
9 say, I was going into execute the attack; however, I
07:12:09 10 encountered these police checkpoints and I will couldn't do
11 it. I just waived off the attack."

12 Q. Before you go any further, can you just use your
13 finger and actually touch the screen and trace the road you
14 were just talking about?

07:12:20 15 A. Sure, so when I started moving in my car, I drove this
16 way and I was going down a hill and I did -- I looped back
17 around and came back up in that direction.

18 Q. Now, when you drove down on your first pass, were you
19 behind any cars?

07:12:35 20 A. No. Not that I recall.

21 Q. What happened when you got to the end of that road and
22 made the turn around you just described?

23 A. So I drove down a ways, drove downhill.

24 I then turned left into an empty parking lot to turn
07:12:51 25 turned around and just came back.

1 When I came back on the road, I ended up behind a
2 vehicle. There was a vehicle right in front of me. I was
3 driving behind that vehicle. That vehicle was driving slow.
4 You know, it was driving in an abnormal way. And I remember
07:13:08 5 thinking to myself that I would like to pass this car
6 because they're just getting in my way and they're
7 not -- they're driving slower than the speed limit.

8 And the nature of their driving, I remember thinking
9 to myself it seemed like an indecisive driver or perhaps
07:13:21 10 like a drunk driven or someone not driving normally.

11 And I wanted to pass them; however, I really couldn't
12 just by the nature of the road so I was kind of stuck behind
13 a slow driver.

14 And then we came up the hill and we encountered the
07:13:37 15 first access point into the parking lot for the convention
16 center.

17 And then -- would you like me to describe --

18 Q. Well, if you could stop there for just a moment.

19 What I would first like to do is pull up Government's
07:13:51 20 Exhibit 109.

21 Do you recognize -- actually let's do 110 first.

22 First, do you recognize Government's Exhibit 110?

23 A. Yes, I do. So this picture was taken with the
24 convention center to my left. And this picture was taken
07:14:08 25 during my first drive-by, just came right out of the hotel

1 parking lot and convention center on my left.

2 Q. And what is that, if we can zoom in where there some
3 orange things in the center?

4 A. Yeah. So there's just orange traffic cones with what
07:14:26 5 appears to be two or three officers there. And they had
6 like a security checkpoint. And that was just one of the
7 two access points into the parking lot.

8 Q. And is this photo a fair and accurate depiction of
9 what you saw on May 3, 2015?

07:14:42 10 A. Yes.

11 Q. Again, did you take this photo?

12 A. Yes.

13 Q. If we could bring up Government's Exhibit 109.

14 What is Exhibit 109?

07:14:52 15 A. So I had turned around and was coming back to do my
16 second drive-by of the convention center. And I took this
17 picture, which is the same police checkpoint, which is also
18 the first access point into the parking lot for the
19 convention center.

07:15:09 20 And the car I was describing that I was kind of stuck
21 behind driving behind was off to kind of the center left of
22 the picture frame. And it was still in front of me.

23 So right about where you have the cursor.

24 Q. And can we enlarge sort of this section, please, over
07:15:29 25 to the left center?

1 Do you see what appears to be a shadow of anything
2 along the left side?

3 A. Yeah, and I suspect that that little small dark shade
4 of a color on the pavement of the street is actually the
07:15:44 5 shadow cast by the car that was in front of me.

6 Q. And is this also a fair and accurate depiction of what
7 you saw on May 3 of 2015?

8 A. Yes, that is exactly what I saw.

9 Q. And can we please go to Government's Exhibit 71,
07:16:03 10 again?

11 Where on this overhead map were those photos we just
12 saw, where did those take place?

13 A. Right, so I was taking pictures of this access point
14 to the parking lot.

07:16:16 15 Q. So what happened as you drove up behind this car next
16 to that access point?

17 A. So I observed the car pull off slightly to the side,
18 to the right on the road.

19 And then I saw the doors open. I saw two men jump out
07:16:34 20 of the vehicle with assault rifles and opening fire and
21 engaging the officers at that police checkpoint.

22 Q. About how far away were you when this happened?

23 A. Maybe one or two car lengths behind them. And as they
24 pulled off to the side of the road to stop and get out, I
07:16:54 25 was then trying to pass the car. So I observed this while

1 driving past them, you know, exiting the vehicle and opening
2 fire with assault rifles.

3 Q. Did you expect that to happen?

4 A. Nope.

07:17:10 5 Q. What was your immediate reaction?

6 A. My immediate reaction was to get out of the immediate
7 area because there was a fire fight. There was a shooting
8 that was occurring between the police officers and the
9 shooters, the attackers.

07:17:23 10 And my instincts trained that I need to do something
11 in an official capacity to respond to a crime that I'm
12 observing.

13 I had no means to physically interdict the shooting.
14 I had no weapon with me. My vehicle was at a point where it
07:17:39 15 was passed the area of the attack so it wasn't like I could
16 use my forward momentum of the vehicle to, you know,
17 interdict the attackers. That physically was not possible.

18 And so my instinct, the best I can do right now is I
19 can report what I'm seeing to report to law enforcement.
07:17:58 20 And I reached for my phone and I began to place an emergency
21 phone call from my phone as I was very quickly driving away
22 from the scene of the crime.

23 Q. What happened?

24 A. I was very quickly stopped by many police officers,
07:18:15 25 jumping into the road, and halting my vehicle.

1 A. Well, he wondered if they arrested me and then they
2 let me go.

3 Q. And what did you tell him?

4 A. I told him, no. I told him basically I observed -- "I
07:25:31 5 saw it all. I saw the whole attack happen. However, I just
6 punched it," meaning I drove away quickly, and "I just got
7 out of there as fast as I could, but I did observe the
8 attack and I -- yeah, and I saw the attack."

9 Q. If we can go to the next page, please.

07:25:48 10 And actually, can we go to page 7, please?

11 What did he indicate he thought had happened to you?

12 A. Well, he said -- well, what he claimed was that "Up
13 until last night, I thought that was you, Wallahi," spelled
14 W-A-L-L-A-H-I, and it just means I swear by Allah.

07:26:17 15 And so he said up until last night he thought that was
16 me. And I thought he was referring to the news. At this
17 point, it was national news. The attack was all over the
18 news. And I assume he saw the news. And that because he
19 saw the national news, he thought I was the one involved in
07:26:34 20 the attack.

21 Q. And there's an indication that he was crying, so what
22 would he have been crying over?

23 A. Well, because this -- the news said the attackers were
24 killed on the spot. And so when he said, "I was crying and
07:26:49 25 Dua," which is D-U-A, that means he was crying while making

1 prayers, presumably he was making prayers for me because I
2 had just been killed and that he was in pain of the
3 realization that I had been killed.

4 Q. Go to the next page, please.

07:27:03 5 And what does he advise that you do in the next
6 communication?

7 A. He told me to deactivate my Twitter account which is
8 kind of like going off the grid or laying low, and to
9 basically, you know, by deactivating that Twitter account
07:27:25 10 would mean that I would be erasing the connections that I
11 had with his Twitter account.

12 Q. Can we go to the next page, please.

13 There's a reference -- well, first, what did he tell
14 you during this set of communications?

07:27:43 15 A. Well, he said that "We still need to keep in contact.
16 We needed a mutual way to keep in contact."

17 And he said that "We needed to remain in contact
18 because after I added up the facts, I knew it wasn't you."
19 So I thought this was very important because he was doing
07:28:00 20 some mental math, and he was explaining what his mental math
21 was. He was saying, "Because I added up facts, I knew it
22 wasn't you." He had for foreknowledge that I was going to
23 be there and then he also indicated that he had
24 foreknowledge that Elton Simpson would be there. And he
07:28:16 25 previously said that Elton Simpson had another brother with